REMARKS

Claims 1-8 are pending in the application. Claims 1-8 are rejected under 35 U.S.C. §

103(a) as being unpatentable over Vargo et al. (6,356,545). In view of Haeggstrom (6,167,040).

The Examiner withdrew the obviousness rejection to Vargo for Office Action filed December 18,

2003 but added a new reference, Haeggstrom for his rejection of claims 1-8 in the instant final

Office Action. The Examiner states that Vargo discloses an Internet system able to dynamically

select a CODEC (i.e., perform expansion and compression using a broad but reasonable

interpretation of the term CODEC).

The Examiner states that a judging section of claims 1, 2, 3, 7 and 8 is either inherent or

obvious in view of teachings of Vargo (and Haeggstrom).

Although Vargo merely discloses selecting CODEC 222 based on speech quality 221 at

a voice part 61 (Fig. 116) as prior art Vargo as well as Haeggstrom fails to show or suggest a

judging section "judging whether the compression form set by said setting section coincides with

the compression form of the compressed data received from the circuit switched network or not,

compressing/expanding the data received from the circuit switched network when the

compressed forms do not coincide, passing through the compressed data received from the

circuit switched network when the compressed forms are judged to coincide." As claimed in

applicant's pending independent claims 1, 2, 3, 7 and 8.

The Examiner refers to col. 7, lines 6-17 and 18-27 of Vargo and states that broad but

reasonable teaching of either expansion compression depending on the type of codec employed

per packet. All that Vargo suggests is that the choice of codec at the transmitter may be derived

from a complex function of choices of packet redundancy 1 packet size and packet bundling.

Thus Vargo does not provide broad but reasonable teaching of either expansion or compression

depending on the type of codec employed.

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The Examiner relied on Haeggstrom as providing additional support for end-to-end tandem free operation using the same codec end-to-end and referred to Fig. 4 of Haeggstrom. As shown in Fig. 4, Haeggstrom uses the TFO (Tandem Free Operation) function to transmit speech bits encoded by GSM telephone by way of the PSTN access of the mobile servicing switching center to the IP/PSTN gateway 41 and then further to the Internet network. Haeggstrom fails to suggest a judging section of the present invention either. The Examiner concludes, however (at page 3, item 2), that if the codec used in the TFO PSTN network is the same as the codec used for the IP terminal, then the codec used in the gateway must be the same as the codec in the TFO PSTN network and the IP terminal. The Examiner states that, for that reason the teachings of Vargo and Haeggstrom are combinable.

Applicant respectfully disagrees and points out that however, even if the CODEC used in the TFO PSTN network is the same as the CODEC used for the IP terminal, the compressed data is not passed through; as has been clearly explained in the prior art section of the subject application (see pages 6-7 of the specification).

In short, neither Vargo nor Haeggstrom taken singly or in combination show or suggest a judging section and a controller which performs control such that when the compression forms judged by the judging section do not coincide, the compressed data received from the circuit switched network is expanded by said expansion section, the expanded data expanded by said expansion section is compressed by said compression section at the compression form set by said setting section and the compressed data compressed by said compression section is transmitted to the internet protocol network, and the compressed forms are judged to coincide, the compressed data received from the circuit switched network is transmitted to the internet protocol network without processing by said expansion section and said compression section.

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In applicant's pending claims, an expansion section, a compression section and a setting section are parts of the gateway apparatus and the judging section and the controller of the claimed invention operate to ensure transmission of compressed forms whether or not the compression form set by the setting section coincide with the compression form of the compressed data received from the circuit switched network. The combination of Vargo and Haeggstrom would not lead a skilled artisan to the present invention because even such combined teaching would not suggest a judging section and a controller in the gateway apparatus as claimed in the pending claims.

It is respectfully submitted that the rejection of claims 1-8 be withdrawn and the claims be allowed.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,
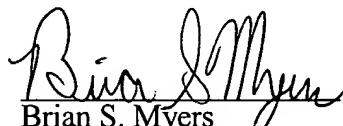
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